

07/28/98

RECEIVED

AUG 03 1998

Mitchell,

my understanding is that
this problem is resolved.
Upon receipt of your notice of unavailability I contacted Doug Rosenkrance, watermaster. He reported that the decree was on and that the heading at the moore diversion had to be cleaned. Also that water was again flowing through the crossover ditch. Am I correct?

Department of Water Resources

Enclosed are copies of three documents or portions of documents; the 89 notes, the application for exchange and your water transport agreement with the Big Lost River Irrigation District.

The 89 notes refer to the 100% payment of power from decree off. The decree was on.

The application for exchange refers to the point of diversion, known as the moore diversion. The decree was available at the moore diversion. It is my understanding that you have also taken delivery of the decree water at the blaine diversion and the antelope creek.

The water transport agreement refers to who you have contracted with to deliver the decree within and to the boundaries of the of the Big Lost River Irrigation District. You and I have no such contract.

Therefore I believe that your notice of unavailability was in error and that the problem was with your delivery system.

Sincerely,

Kirby A. Jensen



PS:

I noticed that your waterways transport agreement expires in April 2001. It may be wise to enter into a new agreement while the political winds are favorable.

As far as
I & Rosenkrance
know.
Stk
8/13/98

Agreement of Water Exchange between Kirby A. Jensen
+ Mitchell D. Sorenson

Delivery charges
Mitch Pays as Dwyer + Mitch's
agreement.

Electric 50/50
Maintain 50/50

Short Term } Mitch Find Source Kirby Pays
IF No Source Available Kirby Pays
100% of Power From Decree off

Long Term } Goes to Reversionary

Contract Void a terminate
Natural Disaster or war
Drought

NO. 026724

FILED

APR 01 1993

A.M. 12:07 P.M.

BUTTE COUNTY RECORDER

SAVE

5/2/89

Kirby A. Jensen
Mitchell D. Sorenson

Exclungo No. 34-0032 A

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder J. Doyle Jensen & Kirby A. Jensen
Post office address Moore, Idaho
2. Right obtained by:
a. Decree to Joseph W. Andersen in Case of Utah Construction Co.
(Name)
vs. John Abbott et al. Dated 10-21-1925 in U.S. District Court
(Name of Court)
Court, County of Butte & Custer. Fully describe decree No. 34-0032 A
- b. Permit, License, or Claim No. 273-1022 A in the records of the Department of Reclamation.
3. Source of water Big Lost River tributary to sinks
(Name of stream or source)
4. Date of Priority of Right May 20, 1884
5. Amount of water a. 4.52 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Purpose) (Month-Day) (Month-Day)
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SW 1/4 SE 1/4 of Section 4
Township 5N, Range 26E, B. M., in Butte County.
Additional points of diversion, if any _____
8. Lands irrigated or place of use: _____

[illegible]

Total number of acres to be irrigated 226

Identification No. 34-0093Exchange No. 2354

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR EXCHANGE OF WATER

APPROVEDAPPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder J. Doyle Jensen
Post office address Moore, Idaho 83255
2. Right obtained by: David S. and
a. Decree to Sylvanus Boyack in Case of Utah Construction Company
(Name)
vs. Abbott and Others, Dated 5-15-1925 in U.S. District
(Name of Court)
Court, County of Butte & Custer. Fully describe decree

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.
3. Source of water Big Lost River tributary to sinks
(Name of stream or source)
4. Date of Priority of Right 5-20-1884
5. Amount of water a. 1.60 cfs c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from 4-1 to 11-1
(Purpose) (Month-Day) (Month-Day)
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is 1/4 SE 1/4 of Section 4
Township 5N, Range 26E, B.M., in Butte County.
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	8														40	40		80

Total number of acres to be irrigated 80

20 yr. agreement

WATERWAYS TRANSPORT AGREEMENT

THIS AGREEMENT, made and entered into this 6 day of April 1931, by and between Mitchell D. Sorensen and _____ of Battle County, State of Idaho and the Big Lost River Irrigation District, an Irrigation District duly organized under the laws of the State of Idaho, with its principal office in Mackay, Custer County, State of Idaho.

WITNESSETH:

WHEREAS, Mitchell D. Sorensen is the owner of certain rights to well waters with a point of diversion described as follows:

1. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T 4N R 26E
2. areas: $\left. \begin{array}{l} 60' \text{ of } 96' \\ 60' \text{ of } 84' \\ 80' \text{ of } 84' \end{array} \right\} \text{Pending Survey approval}$

and,

WHEREAS these rights to waters are in the amount of approximately 400 miners inches of capacity, and

WHEREAS Mitchell D. Sorensen desires to transport said waters through an existing canal of District for use at a point other than the point of diversion.

WHEREAS, the District is the owner of a canal known as the Moore, West Side, Canal, being a part of the facilities of the District for the transmission of decreed and storage waters within the boundaries of said district, and,

WHEREAS, Mitchell D. Sorensen desires to transport said waters described above through said Moore, West Side Canal to the end of said canal at the boundaries of the District, and thereafter beyond said boundary on to land owned by Mitchell D. Sorensen outside the boundary lines of the district, to the end that said waters would be used on lands described as follows:

(enter legal description)

NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ Sec 35 T 4N R 26E

